

FORMAL MEETING AGENDA BOARD OF SUPERVISORS

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts, and/or Board of Deposit)

WEDNESDAY, APRIL 23, 2008

9:00 AM

Board of Supervisors' Auditorium
205 W. Jefferson
Phoenix, Arizona

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

*One or more members may attend telephonically.
Members attending telephonically will be announced at the meeting.*

The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

The Maricopa County Clerk's Office presents this summarized information as a service to the public. The Clerk does not guarantee the accuracy of the data or information presented and expressly disclaims any responsibility for errors or damages resulting from the use of the information contained herein. The approved meeting minutes of the Board of Supervisors are the official publication of all legal actions taken by the Board.

**GREEN – APPROVED / RED – DENIED / BLUE – CONTINUED
GOLD – WITHDRAWN / BROWN – NO ACTION**

S U P P L E M E N T A L

New Items

Office of the County Manager

S-1. REWARDING IDEAS PROGRAM – **APPROVED**

Authorize employee awards from the Rewarding Ideas Program in the amount of \$5,653 and present awards on May 5, 2008. The Rewarding Ideas Merit Award Board met on April 16, 2008, and approved and recommended the employee awards. (C2008055000) (ADM3333-002)

General Government

S-2. SETTLEMENT AGREEMENT WITH UNIVERSITY PHYSICIANS HEALTHCARE – **APPROVED**

Approve the settlement agreement between University Physicians Healthcare (UPHI) and Maricopa County that settles a certain claim, controversy and dispute related to correctional

healthcare issues in litigation: Cause No. C2007-1282 (UPHI v. Maricopa County), consistent with the terms of the respective Settlement Agreement, as discussed in Executive Session on April 21, 2008. (C4508013100) (ADM409)

Justice System Planning

S-3. IGA AMONG THE U.S. PROBATION OFFICE FOR THE DISTRICT OF ARIZONA, THE U.S. PRETRIAL SERVICES OFFICE FOR THE DISTRICT OF ARIZONA AND MARICOPA COUNTY THROUGH INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM – APPROVED

Authorize an Intergovernmental Agreement among the U.S. Probation Office for the District of Arizona, the U.S. Pretrial Services Office for the District of Arizona ("Recipients") and Maricopa County through Integrated Criminal Justice Information System (ICJIS) by which ICJIS will provide Recipients with ownership of JWI Application and Software. ICJIS has developed the Justice Web Interface (JWI) Application which consists of a browser application used for data entry, server application, reporting module and database schema, the corresponding source code and support documentation, (Software). ICJIS desires to furnish a copy of the JWI Application and Software to the Recipients. ICJIS shall provide the Recipients with the JWI Software within 15 days upon completion of this IGA. This IGA shall become effective on the date of Board approval and shall expire on June 30, 2020. (C4208020200)

Risk Management

S-4. SETTLEMENT BETWEEN MARICOPA COUNTY AND RICO ROSSI – APPROVED

Approve Settlement in the amount of \$800,000 between Maricopa County and Rico Rossi, concerning Claim No. MM2622661032982 & GL5000032638 and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on April 21, 2008. (C7508029800) (ADM409)

S-5. SETTLEMENT BETWEEN MARICOPA COUNTY, MARICOPA COUNTY SPECIAL HEALTHCARE DISTRICT AND CHRISTINA SARDINAS – APPROVED

Approve Settlement in the amount of \$800,000 between Maricopa County, Maricopa County Special Healthcare District and Christina Sardinas concerning Case No. CV2008-005367 Claim No. MM9002032922 and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on April 21, 2008. (C7508030800) (ADM409)

S-6. SETTLEMENT BETWEEN MARICOPA COUNTY AND NICK TARR – APPROVED

Approve Settlement in the amount of \$125,000 between Maricopa County and Nick Tarr concerning Case No. CV2003-020880 Claim No. GL5000026657 and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed with the Board in Executive Session on April 21, 2008. (C7508032800)

Air Quality

S-7. SETTLEMENT FROM RELIANCE METALCENTER FOR VIOLATION OF THE MARICOPA COUNTY TRIP REDUCTION ORDINANCE – APPROVED

Approve the proposed settlement offer of \$5,000 from Reliance Metalcenter to resolve a violation of the Maricopa County Trip Reduction Ordinance as discussed in Executive Session on April 21, 2008; and further, to authorize the Chairman to execute all final settlement documents upon review and approval by counsel. (C8508023800) (ADM2356)

Facilities Management

S-8. SETTLEMENT OF CLAIM OF SCHUFF STEELS CLAIM – APPROVED

Approve the settlement of the claim of Schuff Steel against the County in exchange for payment by Schuff to the County in the amount of \$339,840.00. This claim arises out of the County's sale of 1,240 tons of steel originally purchased for the suspended Southeast Justice Center project, under the contract with Holder Construction Company, C7006047502 and C7006047503 and, authorize the Chairman to execute all documents necessary to effectuate the settlement. This matter was discussed in Executive Session on April 21, 2008. (C7008039100) (ADM409)

STADIUM DISTRICT AGENDA

SD-1. AUTHORIZE DISTRICT STAFF TO ADMINISTER AN INTERIM PROCESS FOR MAKING CHASE FIELD DISTRICT SUITE AVAILABLE TO CHARITABLE ORGANIZATIONS – APPROVED

Authorize District staff to develop and administer a process for making the District Suite at Chase Field available to non-profit organizations for Arizona Diamondback Home Games until an agreement is reached with a third party to take on this administrative role. This process would include having the using organization execute a release from liability and indemnification agreement and to meet specified insurance requirements. From the ballpark's inaugural opening day in 1998, the District Suite has been sublicensed to the Valley of the Sun United Way and the Mesa United Way and used for their charitable purposes. These organizations have recently given notice that they do not wish to continue this use. District staff has been working with the Arizona Diamondbacks Foundation, (a 501(c)(3) non-profit corporation, formed pursuant to the Activities Agreement between the District and the Diamondbacks) to take on the role previously filled by the United Way. However, at this time this agreement is not ready for finalization. In the interim, District staff would like to be able to make the District Suite available to charitable organizations in the community for Arizona Diamondback Home Games. (Subject to the approval of Legal and OMB) (ADM5503) (C6808012600)

BOARD OF SUPERVISORS

1. "Pet Showcase" by the Maricopa County Animal Care & Control. – **NO ACTION**

PRESENTATIONS

2. PRESENTATION BY UNITED WAY – **NO ACTION**

Presentation by United Way to Maricopa County in recognition of employees' contributions and improving lives and delivering results that matter. (ADM650-001)

*Twyla Marcrum, Vice President, Development
Leigh Wales, Development Officer, Valley of the Sun United Way*

3. LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) – NO ACTION

Presentation of the Leadership in Energy and Environmental Design (LEED) certification for the Maricopa County Downtown Justice Center located at 620 West Jackson Street, Phoenix, AZ. LEED certification identifies the Maricopa County Downtown Justice Center as a pioneering example of sustainable design and demonstrated leadership in transforming the building industry. Maricopa County has achieved certification under LEED for New Construction. (ADM650-001)

*David Smith, County Manager
Abe Thomas, Sr. Capital Facilities Manager, Facilities Management*

STATUTORY HEARINGS

Clerk of the Board

4. LIQUOR LICENSE APPLICATIONS – APPROVED

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. Application filed by Bonnie Revelle for a Special Event Liquor License: (SELL833) (F23249)

Business Name: Corte Bella Rally for a Cancer Cure
Location: 22131 N Mission Drive, Sun City West, 85375
Date/Time: May 17, 2008, 5:00 p.m. to 11:00 p.m.

- b. Application filed by John Finan for a Special Event Liquor License: (SELL834) (F23249)

Business Name: Knights of Columbus Council 12851
Location: 14818 W Deer Valley Drive, Sun City West, 85375
Date/Time: February 14, 2009, 5:00 p.m. to 10:30 p.m.

- c. Application filed by Jose Luis Sedano for a New Series 12 Liquor License: (MCLL6265) (AZ#12077551)

Business Name: Don Luis' Fine Mexican food
Location: 9624 E. Apache Trail, Mesa, 85207

- d. Application filed by Brandon Michael Valero for New Series 12 Liquor License: (MCLL6264) (AZ#12077546)

Business Name: Joe Jo's Restaurant & Lounge
Location: 10262 E. Apache Trail #5 & 6, Mesa, 85220

5. LITCHFIELD PARK SERVICE COMPANY FRANCHISE – APPROVED

Pursuant to A.R.S. §40-283, convene a public hearing to solicit comments and consider the application by Litchfield Park Service Company, for an extension to an existing public service franchise for a domestic sewage system. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, the franchise will be granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0608075700) (F22953)

Transportation

6. ROAD FILE DECLARATIONS – APPROVED

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

- a. **Road File No. 5800** – In the vicinity of Deer Valley Drive and 151st Avenue (Supervisory District 4). (C6408151000)
- b. **Road File No. A126** – In the vicinity of Latham Street from 191st Avenue to 189th Avenue (Supervisory District 4). (C6408155000)
- c. **Road File No. A295** – In the vicinity of Melvin Street from 195th Avenue to 191st Avenue (Supervisory District 4). (C6408156000)
- d. **Road File No. A296** – In the vicinity of Taylor Street from 195th Avenue to 191st Avenue (Supervisory District 4). (C6408157000)

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

County Attorney

7. COUNTER-CLAIM FOR TRESPASS AND VIOLATION OF THE ARIZONA NATIVE PLANT LAW IN VERTES & MEAD V. MARICOPA COUNTY – APPROVED

Authorize the filing of a counter-claim for trespass and violation of the Arizona Native Plant Law in CV2007-017716 Vertes & Mead v. Maricopa County. The County has claims against the Plaintiffs for trespass to the Spur Cross Ranch Conservation Area and destruction of native plants. This matter was discussed in Executive Session on March 10, 2008. (C1908044M00) (ADM413)

8. LEASE RENEWAL OPTION FOR LEASE WITH WELLS FARGO BANK, NATIONAL ASSOCIATION – APPROVED

Approve a five-year lease renewal option, and authorize the County's Real Estate staff to give written notice of approval, for Lease No. L7278 with Wells Fargo Bank, National Association, the

Landlord, for 31,250 square feet of space on the 20th and 21st floors in the Wells Fargo Building at 100 W. Washington Street, Phoenix. The five year renewal term will be at the Fair Market Rent of \$21.60 per square foot per year. The County, as Tenant, will reimburse the Landlord for increases in operating expenses above the base year based upon 36,092 square feet. The lease renewal term will expire on November 30, 2013. The County retains a termination right with 36 months written notification of intent to terminate and payment of a termination fee of 12 months rent. (C1908047100)

Sheriff

9. SALE OF REDLINED VEHICLES TO THE COLD CASE POSSE – APPROVED

Pursuant to A.R.S. §11-251(9), approve the sale of two redlined vehicles (#11337 and #11393) to Cold Case Posse in consideration of \$1.00. These vehicles will be used by posse volunteers for prisoner transports and off duty jail wagon details. **THIS ACTION ITEM REQUIRES A UNANIMOUS VOTE BY THE BOARD OF SUPERVISORS.** (C5008049M00) (ADM3104-001)

10. DONATION – APPROVED

Approve the acceptance of a donation in the amount of \$5,000 to the Sheriff's Office from **Roger and Patricia Schmitz Trust** for use by the MCSO Animal Safe Hospice (MASH) Unit. (C5008051M00) (ADM3900-003)

Superintendent of Schools

11. APPLY AND ACCEPT FUNDS FOR PROFESSIONAL DEVELOPMENT PROGRAM – APPROVED

Approve the application for and acceptance of \$173,457 from the Arizona Department (ADE) by the Maricopa County Superintendent of Schools (MCSOS) for the Title II-D, Statewide Instructional Technology grant for a professional development program targeting teachers in Maricopa County. The term of the grant will be one year beginning July 1, 2007 and ending June 30, 2008. This grant is renewable and a new proposal will be required for the next fiscal year. Indirect costs are not applicable for this grant. The indirect rate for FY 2007-08 is 14.16%. The restricted indirect cost rate unallowable by this grant source is 14.16%. Unrecoverable indirect costs on this grant award are \$24,562. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C3708016300)

TRIAL COURTS

Justice Courts

12. NEW FACILITY USE IGA WITH THE TOWN OF GILBERT – CONTINUED TO 5/7

Approve a new facility use Intergovernmental Agreement (IGA) with the Town of Gilbert for an 11,186 square foot Justice Court facility at the Gilbert Public Safety complex located at 55 East Civic Center Drive in Gilbert to accommodate the facility requirements resulting from the new growth precinct. The term of the IGA commences on January 1, 2009, and expires on December 31, 2013. The agreement provides two one-year renewal options beyond the initial 5-year term.

The annual facility use fee for the first three years of the agreement is \$257,280 per year plus tax. The annual facility use fee for the fourth year of the agreement is \$265,668 plus tax. The annual facility use fee for the fifth year of the agreement is \$274,056 plus tax. The annual facility use fee during the two options years, if exercised by the County, is \$285,240 per year plus tax. Either party may terminate the IGA after the third year by giving 180-day written notice. As part of the IGA, Gilbert shall provide to the County three secured parking spaces for the County use. The County shall reimburse Gilbert for 2/5 of the building's on-going security costs. The County's reimbursement to Gilbert for security costs is estimated at \$98,500 annually.

Direct the Office of Management and Budget to include funding for this item in the FY 2008-09 Final Budget. Expenditures will be subject to prior review and approval by the Office of Management and Budget. This new Intergovernmental Agreement with the Town of Gilbert will provide a justice court facility to accommodate the requirements of the new growth precinct until an owned facility is built or acquired. (C2408003400)

Juvenile Probation and Detention

13. APPLY AND ACCEPT FUNDS FROM THE JUVENILE ACCOUNTABILITY BLOCK GRANT AND IGA WITH CITY OF PHOENIX – APPROVED

Approve the application for and the acceptance of funding from the Governor's Office For Children, Youth & Families, Division For Children for the Juvenile Accountability Block Grant (JABG) 2007, Year 10, program in the amount of \$350,177. The project period of this award is from October 1, 2007 to September 30, 2009.

Also, authorize Maricopa County to serve as the fiscal agent and project administrator of a partnership involving the County and the City of Phoenix, with contributing city allotments from Affiliated Members Avondale, Chandler, and Peoria, and waived State allocations.

In addition, authorize Maricopa County Juvenile Probation Department to enter into an Intergovernmental Agreement with the City of Phoenix to accomplish the goals and objectives of this partnership.

In Year 10, the JABG funds will support the furtherance of one program: Expansion of Safe Schools. This grant requires a 10% cash match of all parties, totaling \$38,909. Overall fiscal administration of the total project costs of \$389,086 will be the responsibility of Maricopa County.

It has been agreed that Maricopa County and the City of Phoenix will contribute any recovered indirect costs to the pool of funds to sustain four established JABG Safe School teams. Avondale, Buckeye, Chandler, Fort McDowell Mohave-Apache Indian Tribe, Glendale, Goodyear, Paradise Valley, Peoria, Surprise, Tolleson, Wickenburg and Youngtown will transfer funds to the established "pool" for combination with the County match. Juvenile Probation Department funds will provide the 10% County match - \$28,355 – and that required for Affiliated Members (\$2,455) totaling \$30,810. The City of Phoenix will provide the required City match - \$8,099. Juvenile Probation's Indirect Cost Rate for FY 2007-08 (established upon original Board of Supervisor Agenda Number C2708008300 approval dated February 6, 2008) is 38.70% (\$77,505.55). The federal JABG grant limits and caps indirect cost recovery at 10% of the total allotments. \$129,877 will be passed through to sub-recipients and \$259,209 will be retained by the County resulting in \$20,027 as allowable indirect costs and \$57,478 as unrecoverable indirect costs. (C2708011300)

Superior Court Judges and Commissioners

14. APPOINTMENTS – APPROVED

- a. Pursuant to A.R.S. §12-141, approve the appointment of Attorneys as Superior Court Judges Pro Tempore. This serves the interests of judicial economy and promotes sound case flow management. The attorneys would serve as Judges Pro Tempore without any compensation. The appointment will be for the period commencing July 1, 2008 through June 30, 2009. (The list of Attorneys is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (C3808016700) (ADM1001)
- b. Pursuant to A.R.S. §12-141 and §22-121, approve the appointment of the Court Commissioners as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from July 1, 2008 through June 30, 2009, to serve in the various programs in the Justice Courts to reduce trial delay. (The list of Court Commissioners is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (C3808017700) (ADM1001)
- c. Pursuant to A.R.S. §12-141, approve the appointment of law-trained Municipal Court Judges Ted Armbruster, Robert Doyle, Karl Eppich, Lynda Howell, Kevin Kane, Richard Lynch, Mary Anne Majestic, Lori Metcalf, Wendy Morton, Richard Smith and Gloria Ybarra as Judges Pro Tempore in the Maricopa County Superior Court in hearing administrative appeals for a term beginning July 1, 2008 through June 30, 2009, to enhance the ability to process cases in lower court appeals. (C3808018000) (ADM1001)

COUNTY MANAGER

Office of the County Manager

15. ECONOMIC DEVELOPMENT LETTER OF AGREEMENT FOR WICKENBURG CHAMBER OF COMMERCE – APPROVED

Approve the FY 2007-08 non-profit economic development Letter of Agreement for Wickenburg Chamber of Commerce for \$3,000. The Letter of Agreement contains performance goals and reporting requirements. The Wickenburg Chamber of Commerce will provide a report to the County no later than May 15, 2008, indicating how the funds were used and the return on investment by the organization. The Community Solutions and Innovation Constellation will administer this contract. (C2008051100)

16. REIMBURSEMENT OF MOVING EXPENSES RELATED TO RECRUITMENT PACKAGE – APPROVED

Approve a reimbursement of \$7,000 in moving expenses for Janet Palacino. The County Manager recommends that the Board approve a payment reimbursing \$7,000 in moving expenses for Ms. Palacino, who assumed the position of Director, Facilities Management Department (FMD) on February 4, 2008. The facilities management responsibilities associated with an organization as large and as complex as Maricopa County require that the FMD Director have extensive experience and qualifications. Due to the difficulty associated with recruitment of an appropriate, qualified candidate for this highly specialized position, the County Manager determined that reimbursement of moving expenses up to the authorized amount was an essential component of a recruitment package. Although this top management position for FMD was advertised extensively within the State of Arizona, Ms. Palacino was identified as the most qualified candidate for the position. This expense will be paid from the FMD department budget. (C2008052M00) (ADM800-001)

DEPUTY COUNTY MANAGER

General Government

17. NOTICE OF APPEAL IN SCOTTSDALE MEMORIAL HEALTH SYSTEMS, INC., ET AL., V. MARICOPA COUNTY – APPROVED

Authorize counsel to prepare and file a Notice of Appeal of the Superior Court's decision in the matter of Scottsdale Memorial Health Systems, Inc., et al., v. Maricopa County, Case No. 1997-021512. This matter was discussed in Executive Session on April 2, 2007, October 29, 2007 and February 20, 2008. (C4508014M00) (ADM413)

Public Health

18. NOTICE OF GRANT AWARD FOR HEALTHCARE FOR THE HOMELESS PROGRAM – APPROVED

Approve the Notice of Grant Award (H80CS00044) from the U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA) to Maricopa County through its Department of Public Health. This grant provides funding to Healthcare for the Homeless (HCH) Program to support healthcare to homeless individuals. This award provides additional funds to the HCH in the amount of \$39,496 for a total funding amount of \$2,378,023. These funds are for the grant budget period from November 1, 2007 through October 31, 2008.

The Department of Public Health's indirect rate for FY 2007-08 is 18%. This grant allows for indirect reimbursement at a rate of 15.16%. Total indirect expenses are estimated to be \$6,173 of which \$5,199 is recoverable and \$974 is not recoverable.

Also, approve revenue and expenditure appropriation adjustments to the Public Health Grant fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$26,648 for FY 2007-08 and \$12,848 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this contract is provided by a grant from HRSA, and will not affect the County general fund. (C8602073216)

19. AMENDMENT TO IGA FOR WELL WOMAN HEALTHCHECK PROGRAM SERVICES – APPROVED

Approve Amendment No. 1 to the Intergovernmental Agreement (IGA) (HG761266) between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health. The purpose of this IGA is to provide Well Woman Healthcheck Program services to uninsured or underinsured women for breast and cervical cancer screening and diagnostic services. The budget term is July 1, 2008 to June 30, 2009. This IGA does not specify a total dollar amount but provides for services in two line items for sub recipients to be authorized by Purchase Order. Based on prior year estimates, total costs are estimated at an amount not-to-exceed \$590,140.

This IGA is amended as follows:

1. In accordance with Special Terms and Conditions, page 10, item 2, this contract is extended through June 30, 2009.
2. Replace existing Scope of Work in contract, pages 12-19, with updated Scope of Work in Amendment #1, pages 2-10 to cover period of July 1, 2008 – June 30, 2009.
3. Replace existing Price Sheet, page 20, with updated Price Sheet in Amendment #1, page 11 for period July 1, 2008-June 30, 2009.

All other terms and conditions of the original IGA shall remain in full force and effect.

The Department of Public Health's indirect rate for FY 2008-09 is 18%. The IGA allows for indirect costs at a rate of 10% of Personnel Services and Employee Related Expenses only. Full indirect costs are estimated at \$34,400 of which \$19,111 is recoverable and \$15,289 is unrecoverable. Sub recipient costs in the amount of \$378,416 are not subject to indirect charges; operating costs of \$1,500 are also not subject to indirect charges.

Also, approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$590,140 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8608001302)

20. AMENDMENT TO IGA FOR WOMEN, INFANTS AND CHILDREN (WIC) NUTRITIONAL SERVICES – APPROVED

Approve Amendment No. 1 Intergovernmental Agreement (IGA) Contract No. HG861080 between the Arizona Department of Health Services (ADHS) and the Department of Public Health to provide Women, Infants and Children (WIC) nutritional services. This amendment will replace the current price sheet with a revised price sheet, moving the funds from T1 Data Line Expense to Other Operating Expenses. All other provisions of this agreement remain unchanged. (C8608025201)

21. IGA FOR PRENATAL BLOCK GRANT SERVICES – APPROVED

Approve the Intergovernmental Agreement (IGA) No. HG861386 between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health. The purpose of this IGA is to provide Prenatal Block Grant services. This IGA is budgeted in the amount of \$272,024 for the budget period July 1, 2008 until June 30, 2009. This IGA is effective from July 1, 2008 until June 30, 2013. The current Department of Public Health's indirect rate is 18%. Indirect costs are estimated at \$41,495 and are fully recoverable.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$272,024 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8608066200)

22. GRANT AWARD FOR CYCLE TO CARE TREATMENT PROJECT – APPROVED

Approve grant award from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation, Inc. d.b.a. the Phoenix Affiliate of the Susan G. Komen for the Cure to the Department of Public Health to provide the Cycle to Care Treatment Project. The term of the contract is from April 1, 2008 to March 31, 2009, in an amount not-to-exceed \$75,000.

The Department of Public Health's indirect rate is 18% for FY 2007-08. Total indirect costs are estimated at \$13,500 all of which is unrecoverable. The total sum of the grant consists of sub-recipient pass-through funds not subject to indirect costs.

Also, approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$56,250 for FY 2008-09. The appropriations adjustment in the amount of \$18,750 is not necessary for FY 2007-08 because these funds were included in the FY 2007-08 adopted budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this grant is provided by the Susan G. Komen Breast Cancer Foundation, Inc. d.b.a. the Phoenix Affiliate of the Susan G. Komen for the Cure and will not impact the County general fund. (C8608069300)

23. FACILITY USE AGREEMENT WITH THE CATHOLIC HEALTHCARE WEST – APPROVED

Approve this Facility Use Agreement (FUA) between the Catholic Healthcare West, a California non-profit public benefit corporation d.b.a. Chandler Regional Medical Center and the Department of Public Health, Women, Infants and Children (WIC), Chandler WIC Clinic. The Chandler Regional Medical Center immunization staff will provide free vaccinations, at the Chandler WIC location, to infants and children of the WIC clients. The term of this agreement is April 1, 2008 to December 31, 2008, and is effective upon execution by both parties. (C8608071000)

24. IGA FOR PUBLIC HEALTH PHYSICAL ACTIVITY PROGRAM – APPROVED

Approve Intergovernmental Agreement (IGA), Contract No. HG854371, between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health. The purpose of this IGA is to provide the Public Health Physical Activity Program. The Public Health Physical Activity Plan program components are the Promoting Lifetime Activity for Youth program and the Walk Everyday Live Longer (W.E.L.L.) Arizona program. This IGA is budgeted in the amount of \$160,000 for the budget period of April 1, 2008 through March 31, 2009. The term for this IGA is April 1, 2008 through March 31, 2013.

The Department of Public Health's FY 2007-08 indirect rate is 18%. Grant indirect costs are reimbursed at a rate of 10%. Full indirect costs are estimated at \$26,182 of which \$14,545 is recoverable and \$11,637 is unrecoverable.

Also, approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$120,000 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by a grant from ADHS and will not impact the County general fund budget. (C8608073200)

ASSISTANT COUNTY MANAGER – JUSTICE PLANNING AND INFORMATION

Public Fiduciary

25. SOLE SOURCE CONTRACT WITH COMPUTRUST SOFTWARE CORPORATION – **APPROVED**

Approve a Sole Source contract with CompuTrust Software Corporation to provide data migration, implementation, and design services for the Public Fiduciary's Case Management and Trust Accounting applications. CompuTrust Software Corporation is the original provider for the existing applications currently used by the Public Fiduciary. The Public Fiduciary's intent is to upgrade the existing CompuTrust applications to the newest available version. The contract will begin immediately and usage fees have been approved and budgeted through 2013. Research has proven that there are very few case management and trust accounting providers available that were able to meet the business requirements of the Public Fiduciary. This contract has been advertised in accordance with the sole source procedures. (C3408002100)

CHIEF FINANCIAL OFFICER

Animal Care & Control

26. IGA WITH CITY OF EL MIRAGE FOR ANIMAL CONTROL FIELD SERVICES – **APPROVED**

Approve Intergovernmental Agreement (IGA), between Maricopa County through Maricopa County Animal Care & Control and the City of El Mirage, for Animal Control Field Services. This IGA is effective from July 1, 2008, through June 30, 2010. The City of El Mirage agrees to pay full cost recovery for field services for Fiscal Year 2008-2009 estimated to be \$58,500 based on historical levels of service for this jurisdiction. (C7908084200)

27. AMENDMENT TO IGA WITH CITY OF EL MIRAGE – **APPROVED**

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) C7908084200 between City of El Mirage and Maricopa County Animal Care and Control, for the purpose of extending the term of the agreement in the amount of \$9,800. This amendment is effective from May 1, 2008 until June 30, 2010. The City of El Mirage has requested to increase the approved contract for two (2) months with Maricopa County Animal Care & Control for enhanced animal control field services. The City of El Mirage agrees to pay full cost recovery for field services for Fiscal Years 2007-2008 estimated to be \$9,800 based on historical levels of service for this jurisdiction. All other terms and conditions of this IGA shall remain in full force and effect. (C7908084201)

28. APPLY AND ACCEPT FUNDS FOR KENNEL COUGH (BORDETELLA) VACCINE PROGRAM – **APPROVED**

Approve the application and acceptance of grant funds from Petfinder.com Foundation of Tucson, AZ, in the amount of \$35,000. These grant funds are to fund a kennel cough (Bordetella) vaccine program. Authorize the Chairman to sign all documents related to these grant funds. The term of the grant is from March 28, 2008, through March 27, 2009. This grant is non-renewable.

Also, approve a revenue and expenditure budget increase to the Animal Care and Control (790) Animal Care and Control Grant Fund (573) in the amount of \$35,000. The Maricopa County Department of Finance has calculated MCACC's composite indirect cost rate at 11.08%. The recoverable indirect cost of administering this grant is \$3,491.18. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. The approval of this action requested does not alter

the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908085300)

29. AGREEMENTS UNDER THE NEW HOPE PROGRAM TO RESCUE ANIMALS – APPROVED

- a. Approve an agreement between **Arizona Border Collie Rescue, Inc.**, a 501(c)(3) non-profit corporation, located at P O Box 10717, Tempe, AZ 85284, and Maricopa County to allow Arizona Border Collie Rescue, Inc. under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 150 new hope rescues over the term of the agreement, for a total of \$6,000. The term of this agreement is from April 23, 2008 through April 6, 2010. (C7908087100)
- b. Approve an agreement between **Almost Home Arizona Rescue**, a 501(c)(3) non-profit corporation, located at 15025 S. 9th Place, Phoenix, AZ 85048, and Maricopa County to allow Almost Home Arizona Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 300 new hope rescues over the term of the agreement, for a total of \$12,000. The term of this agreement is from April 23, 2008 through April 6, 2011. (C7908088100)

30. DONATIONS – APPROVED

Accept the following monetary donations:

- a. **PETCO Foundation** of San Diego, CA in the amount of \$3,657 collected from their Tree of Hope fundraiser in the Phoenix, AZ area for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908082700) (ADM2300-006)
- b. **Jeff Pederson** of Phoenix, AZ in the amount of \$500 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908083700) (ADM2300-006)

31. KENNEL PERMIT – APPROVED

Approve kennel permit #436 pursuant to A.R.S. §11-1009 for Sotero Avila, d.b.a. **Avila Kennels**, located at 2917 N. 193rd Avenue, Litchfield Park, AZ 85340, for the term of April 23, 2008 through April 22, 2009. The cost of a kennel permit is \$328, plus a penalty fee of \$25; totaling \$353. (Supervisory District 4) (C7908086C00) (ADM2304)

Finance

32. FUND TRANSFERS; WARRANTS – APPROVED

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

33. AMENDMENT TO IGA WITH THE SUPERIOR COURT FOR REASONABLE COLLECTION COSTS – APPROVED

Approve Amendment No. 1 to the Intergovernmental Agreement between the Superior Court and Maricopa County. The purpose of this amendment is to provide for reasonable collection costs under A.R.S. §12-116.03. Maricopa County Department of Finance Collections Unit (CCU) provides proactive collection services for the departments of Maricopa County. The purpose of the CCU Fee is to recover the costs associated with collecting court ordered payments. The accounts assigned to the CCU have been deemed delinquent and it is the CCU's responsibility to take additional action to ensure the court order is enforced. The delinquent accounts are entered into a specialized collections database which generates letters, billing notices and sets accounts up for outbound phone calls. When allowed by statute, liens are placed on property and State Tax refunds are intercepted. When accounts become delinquent within the CCU they are outsourced to a contracted private collection agency for further collection efforts. The effective date of this amendment is upon recording with the Secretary of State. Upon the effective date of this amendment, the County shall initiate the collection of reasonable costs for the County Collections Unit (CCU) services. (C1804020201)

34. LEASE WITH FRIENDS OF ANIMAL CARE AND CONTROL FOR OFFICE SPACE – APPROVED

Approve and execute new Lease No. MC10179 with Friends of Animal Care and Control (FACC's), an Arizona non-profit organization, Lessee, for approximately 115 square feet of office space located at 2500 South 27th Avenue, Phoenix, AZ. The term of the lease is for one-year commencing on or about May 1, 2008, and will automatically renew for subsequent one-year terms unless terminated in writing by either party prior to the renewal date. The annual rental rate is \$10.00. The Lessee shall use the office space solely for the purpose of raising funds to support Maricopa County Animal Care & Control (MCACC). This lease contains a 90-day termination provision. This lease is subject to and conditioned upon compliance with the provisions of A.R.S. §11-256.01 requiring publication of notice of the proposed lease. (C1808044400)

35. REVISIONS TO POLICY FOR ADMINISTERING GRANTS A2505 – CONTINUED TO 5/7

Approve the revisions to policy A2505 – Policy for Administering Grants. The purpose of this policy is to serve as the framework for employees to follow when applying for grants and negotiating the terms and conditions of the agreements and/or contracts to ensure optimum financial and administrative arrangements for Maricopa County and Special Districts. (C1808045600) (ADM1608)

Materials Management

36. SOLICITATION SERIALS – APPROVED

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Renewals/Extensions:

It is recommended that the Board of Supervisors approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until April 30, 2009

03007-S Data Processing, Computer and Software Services (\$1,750,000 estimate/one year) Price agreement that provides qualified IT Consultants for ICJIS.

- AMBA Solutions, Inc.
- Consultants In Data Processing
- Coplan and Company
- Cyberbest Technology, Inc.
- Digital Bridge
- Ecorridor, Inc.
- Enterprise Technology Services
- Kelly Services
- MQSoftware, Inc.
- OAO Technology Solutions, Inc.
- Pragmatica LLC
- QuantumPM LLC
- Quovadx, Inc.
- Rose Solutions
- Serenity Infotech, Inc.
- Spherion
- Staff Tech, Inc.
- Stilwell Software, Inc.
- Systems Technology Group, Inc.
- Tech One Staffing
- Torus Business Group LLC
- Triple I Software Services
- URL Integration

Parks and Recreation

37. AMENDMENT TO THE USE MANAGEMENT AGREEMENT WITH FORT ADOBE PAINTBALL, LLC – APPROVED

Approve Amendment No. 2 to the Use Management Agreement between Maricopa County and Fort Adobe Paintball, LLC ("Concessionaire") (C3007028100) entered into April 18, 2007, in order to remove reference to the parking of recreational vehicles and revise payment schedules due to permitting and construction delays not the fault of the Concessionaire. Due to increased permitting costs and additional time required to recoup these expenses, the first of three five-year renewal options are requested to be approved. Total term of this agreement would be April 18, 2007 through April 17, 2017, with two five-year renewal options remaining. The overall term of

this agreement with renewal options has not changed. The amendment is effective upon Board approval. (C3007028102)

38. AGREEMENT FOR OPERATION, MANAGEMENT, AND MAINTENANCE OF THE PARADISE VALLEY CONCESSION SITE – APPROVED

Approve a new Agreement between Maricopa County and **Casey at the Bat Inc.** (Concessionaire) to continue operation, management, and maintenance of the Paradise Valley Concession Site known as Casey at the Bat. The term of this agreement is from July 1, 2008 through June 30, 2013, with two five-year renewal options. Guaranteed income to County over the period of this agreement is \$18,000. The previous agreement (C3004015100) will expire on June 30, 2008. (C3008027100)

39. AMENDMENT TO THE SPECIAL USE AGREEMENT WITH PHOENIX KART RACING ASSOCIATION – APPROVED

Approve Amendment No. 2 to the Special Use Agreement between Maricopa County and **Phoenix Kart Racing Association** ("PKRA") (C3098017B) entered into March 4, 1998, in order to exercise the last renewal option through March 3, 2018, and to amend the administrative fee payment schedule. After this amendment there will be no renewal options remaining. The request is desired in order to perform facility improvements. (C3098017B02)

Risk Management

40. OFFER OF JUDGMENT – APPROVED

Approve filing an Offer of Judgment in the amount of \$300,000.00 between MCSHD and Plaintiff(s) concerning Maricopa County Superior Court (or U.S. Federal District Court) No. CV 2007-000857 (Claim No. MM 2652028786) and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on April 7, 2008. (C7508031800) (ADM413)

ASSISTANT COUNTY MANAGER – PUBLIC WORKS

Facilities Management

41. ACCEPT ART GLASS PIECE DONATION – APPROVED

Approve the acceptance of art glass piece donation titled "Aquatic Environment" created by Phoenix-area artist BJ Katz. The piece will be installed in the basement elevator vestibule/lobby of the Chambers Building (Building 4052). The art piece has an approximate value of \$4,000. (C7008038M00) (ADM103)

42. CONSTRUCTION MANAGER AT RISK CONTRACT WITH LAYTON INTERIORS OF ARIZONA, INC – APPROVED

Approve and authorize the execution of Construction Manager at Risk (CMR) GMP #3 Contract No. FMD-08-044 with Layton Interiors of Arizona, Inc, of Phoenix, Arizona, in a Guaranteed Maximum Price (GMP) amount not to exceed \$1,569,069, to provide construction services for the tenant improvements to the Chambers Building for the Public Information Office and the Employee Health Initiatives department (Project No. 4052-08-507). At this time, it is anticipated

that no additional GMPs or contracts will be presented at future dates. Completion of this contract is scheduled for not later than July 28, 2008. The Chambers Building is located in District 5. (C7008044500)

43. REDUCE REVENUE APPROPRIATION AND FUND TRANSFER AND AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM – APPROVED

Pursuant to A.R.S. §42-17106(B), approve the following:

1. Reduce the FY 2007-08 Parks and Recreation (300) Grants Fund (230) revenue appropriation by \$1,600,000.
2. Reduce the approved FY 2007-08 fund transfer from the Parks and Recreation (300) Grants Fund (230) to the Appropriated Fund Balance (480) Intergovernmental Capital Projects (422) Fund for the Buckeye Hills project from \$1,600,000 to \$0. This requires reducing the FY 2007-08 Parks and Recreation (300) Grants Fund (230) expenditure appropriation by \$1,600,000 and the Appropriated Fund Balance (480) Intergovernmental Capital Projects (422) Fund FY 2007-08 revenue appropriation by \$1,600,000 with offsetting adjustments in the Eliminations (980) Eliminations Fund (900).
3. Approve an FY 2007-08 fund transfer of \$864,366 from the Parks & Recreation (300) Enhancement Fund (241) to the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) for the Buckeye Hills Shooting Range (BBHS) project. This requires appropriation adjustments increasing the FY 2007-08 expenditure appropriation for the Parks & Recreation (300) Enhancement Fund (241) and the FY 2007-08 revenue appropriation for the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) by \$864,366, with offsetting eliminations in the Eliminations (980) Eliminations Fund (900).
4. Amend the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Intergovernmental Capital Projects (422) Fund:
 - a. **Decrease** the Buckeye Hills Shooting Range (BBHS) project revenue budget by \$735,634 in Year 1 (FY 2007-08) and by \$1,600,000 in Year 2 (FY 2008-09). Also, **decrease** the Buckeye Hills Shooting Range (BBHS) project expenditure budget by \$2,335,634 in Year 1 (FY 2007-08).
 - b. Transfer expenditure appropriation of \$2,335,634 from the Appropriated Fund Balance (480) Intergovernmental Capital Projects (422) to the Non-Departmental (470) Non-Departmental Grants Fund (249).
5. Amend the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) General Fund County Improvement Fund (445):
 - a. **Decrease** the Visitor Centers and Amphitheaters (VAMP) project expenditure budget by \$373,634 in Year 1 (FY 2007-08).
 - b. **Decrease** the Restroom Projects Phase 3 (REST) project expenditure budget by \$162,000 in Year 1 (FY 2007-08).
 - c. **Increase** the Buckeye Hills Shooting Range (BBHS) project expenditure budget by \$535,634 in Year 1 (FY 2007-08).
6. Amend the scope of the Visitors Center and Amphitheaters (VAMP) project, previously approved in C3007032100, to build three visitor centers and amphitheaters instead of four;

one each at Cave Creek Regional Park and Utery Mountain Regional Park; a visitor center only will be built at Estrella Mountain Regional Park and an amphitheater only will be built at Lake Pleasant Regional Park. (C7007008801) (ADM800-003)

Transportation

44. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS – APPROVED

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is on file in the Clerk of the Board's office.) (ADM2007)

45. DELEGATION OF AUTHORITY TO ENTER INTO AGREEMENTS OR CONTRACTS WITH UTILITY PROVIDERS – APPROVED

Delegate to the Director of Transportation the authority to enter into agreements or contracts with utility providers to relocate conflicting utility facilities from, or provide services to, previously-approved construction projects in the Maricopa County Transportation Capital Improvement Program. This delegation of authority is limited to \$1,000,000 for each utility provider in a previously approved construction project. (Supervisory Districts 1, 2, 3, 4 and 5) (C6408158M00) (ADM2000)

46. CONTRACT FOR THE EL MIRAGE ROAD IMPROVEMENT PROJECTS – APPROVED

Approve Contract No. 2007-044, with Michael Baker Corporation for Maricopa County Department of Transportation project T167, El Mirage Road (Northern Avenue to Bell Road) for the lump sum of \$1,996,435. The Contract Completion date shall be 630 days after the Notice to Proceed has been issued. (Supervisory District 4) (C6408159100)

47. SALE OF SURPLUS PROPERTY – APPROVED

Approve the sale of surplus property of the completed MCDOT Project #68957, Gilbert Road Widening, McDowell Road to State Route 87, known as MCDOT Parcel Number X-0170-EX by signing the escrow documents and Special Warranty Deed. The parcel is being sold to Andrew Iwuajoku for \$320,000. This 1,906 sq. ft. single family home on a 0.811 acre parcel is a remnant parcel from the Gilbert Road Widening at McDowell Road to State Route 87, approved by the Board to sell on agenda item C6407105B00 on November 15, 2006. (Supervisory District 2) (C6408160M00) (ADM2005)

48. IGA FOR IMPROVEMENTS TO MC 85 FROM 91ST AVENUE TO 75TH AVENUE – APPROVED

Approve the intergovernmental agreement (IGA) between Maricopa County, through the Maricopa Department of Transportation, (MCDOT) and the City of Tolleson authorizing MCDOT to acquire right-of-way within Tolleson and to work within Tolleson right-of-way to make improvements to MC 85 from 91st Avenue to 75th Avenue. (Supervisory District 5) (C6408162200)

49. IGA FOR IMPROVEMENTS TO MC 85 FROM 107TH AVENUE TO 91ST AVENUE – APPROVED

Approve the intergovernmental agreement (IGA) between Maricopa County, through the Maricopa Department of Transportation, (MCDOT) and the City of Tolleson authorizing MCDOT to acquire right-of-way within Tolleson and to work within Tolleson right-of-way to make improvements to MC 85 from 107th Avenue to 91st Avenue. (Supervisory District 5) (C6408163200)

50. REIMBURSEMENT TO APS FOR ENGINEERING AND CONSTRUCTION SERVICES – APPROVED

Approve reimbursement to Arizona Public Service Company (APS) for engineering and construction services provided by APS contracted forces for the relocation of the APS owned electrical facilities in conflict with Maricopa County Department of Transportation Project TT243, Galivan Peak Pkwy: Cloud to Joy Ranch. The cost may not exceed the current estimate of \$92,910 by more than 10 percent. MCDOT has verified that APS has prior rights. This approved reimbursement will be in effect for two years from the date of Board approval. (Supervisory District 3) (C6408171M00)

51. BID AND AWARD FOR MC 85: COTTON LANE TO ESTRELLA PARKWAY, MCDOT PROJECT – APPROVED

Approve the solicitation of bids for MC 85: Cotton Lane to Estrella Parkway, MCDOT Project No. T083; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10 percent. FY 2008-09 expenditures are contingent upon the Board approving the recommended FY 2008-09 budget. (Supervisory District 4) (C6408181500)

52. JOB ORDER CONTRACTS FOR ROADWAY STABILIZATION AND PAVING SERVICES – APPROVED

- a. Approve the award of Job Order Contract (JOC) No. 2008-001 with **Nesbitt Contracting Company, Inc.** for a total sum amount of \$3,000,000 for Roadway Stabilization and Paving Services performed when requested by the Maricopa County Department of Transportation through a specific Work Assignment. This Job Order Contract shall be effective for a period of one year from the Board award date. The JOC projects will be funded by the Department's Capital Improvement Program fund under various work order numbers. (Supervisory District 1, 2, 3, 4, and 5) (C6408188500)
- b. Approve the award of Job Order Contract (JOC) No. 2008-002 with **Cactus Asphalt** for a total sum amount of \$3,000,000 for Roadway Stabilization and Paving Services performed when requested by the Maricopa County Department of Transportation through a specific Work Assignment. This Job Order Contract shall be effective for a period of one year from the Board award date. The JOC projects will be funded by the Department's Capital Improvement Program fund under various work order numbers. (Supervisory District 1, 2, 3, 4, and 5) (C6408189500)

53. JOB ORDER CONTRACT FOR CHIP SEAL SERVICES – APPROVED

Approve the award of Job Order Contract (JOC) No. 2007-024 with **Cactus Asphalt** for a total sum amount of \$3,000,000 for Chip Seal Services performed when requested by the Maricopa County Department of Transportation through a specific Work Assignment. This Job Order Contract shall be effective for a period of one year from the Board award date. The JOC projects will be funded by the Department's Capital Improvement Program fund under various work order numbers. (Supervisory District 4) (C6408190500)

54. ANNEXATIONS – APPROVED

- a. Pursuant to A.R.S. §9-471(N), approve the annexation by the **City of Phoenix** of County right-of-way within 35th Avenue and Baseline Road, in accordance with Ordinance No. G-5076. (Supervisory District 5) (C6408179000) (ADM4213-002)
- b. Pursuant to A.R.S. §9-471(N), approve the annexation by the **City of Phoenix** of County right-of-way within Happy Valley Road and 13th Avenue, in accordance with Ordinance No. G-5088. (Supervisory District 3) (C6408180000) (ADM4213-002)
- c. Pursuant to A.R.S. §9-471(N), approve the annexation by the **City of Mesa** of County right-of-way within Ellsworth Road from Adobe Road to Princess Drive, in accordance with Ordinance No. 4796. (Supervisory District 2) (C6408183000) (ADM4210-002)
- d. Pursuant to A.R.S. §9-471(N), approve the annexation by the **City of Mesa** of County right-of-way within Ellsworth Road from Elliot Road to Portobello Avenue, in accordance with Ordinance No. 4797. (Supervisory District 1) (C6408184000) (ADM4210-002)
- e. Pursuant to A.R.S. §9-471(N), approve the annexation by the **City of Mesa** of County right-of-way within Ellsworth Road from Ray Road (Alignment) to Warner Road, in accordance with Ordinance No. 4798. (Supervisory District 5) (C6408185000) (ADM4210-002)
- f. Pursuant to A.R.S. §9-471(N), approve the annexation by the **City of Mesa** of County right-of-way within Ellsworth Road from 363 feet North of University Drive to 659.68 feet North of University Drive, in accordance with Ordinance No. 4799. (Supervisory District 2) (C6408186000) (ADM4210-002)
- g. Pursuant to A.R.S. §9-471(N), approve the annexation by the **City of Mesa** of County right-of-way within Ellsworth Road from Germann Road to 1012.29 feet South of Pecos Road, in accordance with Ordinance No. 4800. (Supervisory District 1) (C6408187000) (ADM4210-002)
- h. Pursuant to A.R.S. §9-471(N), approve the annexation by the **City of Phoenix** of County right-of-way within 107th Avenue from the North Boundary of the Gila River Indian Reservation to 607 feet North of Vineyard Road, in accordance with Ordinance No. G-5089. (Supervisory District 5) (C6408191000) (ADM4213-002)

BOARD OF SUPERVISORS

Clerk of the Board

55. APPOINTMENTS – APPROVED

- a. **Industrial Development Authority Board of Directors** – Appoint Gary M. Sundberg, nominated by Supervisory District 1, whose term is effective from the date of Board approval through December 17, 2013. (C0608082900) (ADM4500-001)
- b. **Community Development Advisory Committee** – Appoint Queen Creek Councilmember Toni Valenzuela as the Alternate Representative for the remaining FY 2007-08 term which expires June 30, 2008. (C1708039900)

- c. **Board of Health** – Appoint Michael P. Kearns, as a member at-large, whose term is effective from the date of Board approval through December 31, 2008. (C0608081900) (ADM2101-001)

56. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS – APPROVED

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Transportation

57. ROAD FILE DECLARATION – APPROVED

Set a public hearing to declare the following roads into the county highway system for Wednesday, May 21, 2008.

- a. **Road File No. A393.** In the vicinity of Gordon Way from 205th Avenue to Bradley Road, Gordon Court from 203rd Avenue to Cul-de-Sac, 203rd Avenue from Hunter Drive to Highway US 60 (Wickenburg-Phoenix Highway), Bradley Road from 205th Avenue to Gordon way and from Gordon Way to 203rd Avenue. (Supervisory District 4) (C6408165000)
- b. **Road File No. A394.** In the vicinity of Gordon Way from 193rd Avenue to Jomax Road, 191st Avenue from Gordon Way to Highway US 60 (Wickenburg-Phoenix Highway) and Jomax Road from 189th Avenue to Highway US 60 (Wickenburg-Phoenix Highway) (Supervisory District 4) (C6408166000)
- c. **Road File No. A395.** In the vicinity of Happy Valley Road from 183rd Avenue to Highway US 60 (Wickenburg-Phoenix Highway) and Citrus Road from Happy Valley Road to Surprise City Limits. (Supervisory District 4) (C6408167000)
- d. **Road File No. A396.** In the vicinity of Gompers Court from Cul-de-Sac to 243rd Avenue and from London Road to Cul-de-Sac, Gompers Way from 243rd Avenue to End of Maintenance, 243rd Avenue from Gompers way to Highway US 60 (WICKENBURG-PHOENIX HIGHWAY)

- and London Road from Gompers Court to Highway US 60 (Wickenburg-Phoenix Highway) (Supervisory District 4) (C6408168000)
- e. **Road File No. A397.** In the vicinity of Dove Valley Road from 223rd Avenue to US 60 (Wickenburg-Phoenix Highway) (Supervisory District 4) (C6408169000)
 - f. **Road File No. A398.** In the vicinity of Gordon Way from 215th Avenue to 211th Avenue and from 211th to Montgomery Road, 215th Avenue from Gordon Way to US 60 (Wickenburg-Phoenix Highway), 211th Avenue from Wildcat Drive to Gordon Way and from Gordon Way to US 60 (Wickenburg-Phoenix Highway), and Montgomery Road from Gordon Way to US 60 (Wickenburg-Phoenix Highway), Supervisor District No. 4. (C6408170000)
 - g. **Road File No. A101.** In the vicinity of Sun Valley Lane, from 119th Avenue to 118th Avenue, lying within Supervisor District No.4. (C6408173000)
 - h. **Road File No. A101.** In the vicinity of Gumina Avenue from 47th Avenue to 45th Avenue, lying within Supervisor District No.5 (C6408174000)
 - i. **Road File No. A184.** In the vicinity of Crivello Avenue from 47th Avenue to 45th Avenue, lying within Supervisor District No.5. (C6408175000)
 - j. **Road File No. A181.** In the vicinity of Shawnee Drive from 37th Avenue to 35th Avenue, lying within Supervisor District No.5 (C6408176000)
 - k. **Road File No. A182.** In the vicinity of Calle Poco from 45th Ave. to 43rd Ave., lying within Supervisor District No.5. (C6408177000)
 - l. **Road File No. A153.** In the vicinity of Mariposa Grande from 95th Avenue to 93rd Avenue, lying within Supervisor District No. 4. (C6408178000)

Environmental Services

58. REVISIONS TO CHAPTERS I, II, VI, AND VIII OF THE MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE – APPROVED

Set a public hearing for May 21, 2008 to adopt revisions to Chapters I, II, VI, and VIII of the Maricopa County Ordinance P-14 Environmental Health Code (MCEHC). Proposed amendments clarify bathing place, solid waste and food processor text, incorporate state and federal regulatory updates and add One-Stop-Shop plan review fees. (C8808009700) (ADM2102) (C8808009700)

CONSENT AGENDA

Clerk of the Board

- 59. ASRS Claims –** Authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (Claims are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3309-001) – **APPROVED**

60. **Arizona Meth Project Donations** – Authorize the acceptance of cash donations and in-kind contributions received for the month of March 2008, for the purpose of the Arizona Meth Project. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (List is on file in the Clerk of the Board's office.) (ADM639-006) – **APPROVED**
61. **Arizona Pollution Control Corporation** - Pursuant to A.R.S. §35.721B, approve a Resolution approving the Proceedings of Maricopa County, Arizona Pollution Control Corporation for the issuance of not-to-exceed \$63,500,000 Maricopa County, Arizona, Pollution Control Corporation, Pollution Control Revenue Refunding Bonds, 2008 Series A (El Paso Electric Company Palo Verde Project), and \$37,100,000 Maricopa County, Arizona Pollution Control Corporation, Pollution Control Revenue Refunding Bonds, 2008 Series B (El Paso Electric Company Palo Verde Project). (ADM5134) – **APPROVED**
62. **Canvass of Elections** – Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300) – **APPROVED**
63. **Classification Changes** – Approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (List is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule.) (ADM723) – **APPROVED**
64. **Donations** – Accept the donation reports received from county departments for March 2008 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1810) – **APPROVED**
65. **Duplicate Warrants** – Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1823) (ADM3809) – **APPROVED**
66. **Precinct Committeemen** – Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1701) – **APPROVED**
67. **Secured Tax Roll Corrections** – Approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM705) – **APPROVED**
68. **Settlement of Property Tax Cases** – Approve the settlement of tax cases dated April 23, 2008. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM704) – **APPROVED**
69. **Stale Dated Warrants** – The Board of Supervisors finds that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason

for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (A list of claims is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1816) – **APPROVED**

70. **Tax Abatements** – Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM708) – **APPROVED**

FLOOD CONTROL DISTRICT AGENDA

FCD-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS – APPROVED

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

FCD-2. IGA FOR CONSTRUCTION, CONSTRUCTION MANAGEMENT, OPERATION AND MAINTENANCE OF THE NEW RIVER CHANNEL AT THUNDERBIRD ROAD – APPROVED

Approve Intergovernmental Agreement (IGA) FCD 2007A006 between the Flood Control District of Maricopa County and the City of Peoria for the construction, construction management, operation and maintenance of the New River Channel at Thunderbird Road, (#400). The project is estimated to cost \$2,200,000 for which the IGA provides for a District cost share of 50% (estimated to be \$1,100,000) and a City cost share of 50% (estimated to be \$1,100,000). (C6908048200)

FCD-3. CONTRACT FOR ENGINEERING AND PROFESSIONAL SERVICES – APPROVED

Award Contract FCD 2007C029 to URS Corporation, a Nevada Corporation, to provide engineering and professional services for comprehensive flood hazard identification and solution development for the Rainbow Valley watershed of 515 square miles. The four fiscal year study effort includes topographic survey, geomorphic investigation, hydrology development, floodplain delineation, and drainage master planning and alternatives analysis. The effort also includes environmental and archeological evaluation, and scenery resource, recreation, and multi-use assessment. The Rainbow Valley Area Drainage Master Plan (ADMP), (PCN 510.01.20) total contract value shall not exceed \$3,326,292.46. The contract period is 1,095 calendar days after the NTP and will be completed in FY 2011. (C6908049500)

FCD-4. CHANGE ORDER FOR ON-CALL CONSTRUCTION MANAGEMENT SERVICES – APPROVED

Approve Change Order No. 1 in the amount of \$250,000 Flood Control District of Maricopa County Contract FCD 2007C049 – On-Call Construction Management Services with HDR Construction Control Corporation (Consultant). Change Order No. 1 is required to address unforeseen additional construction management and inspection services for the construction of the White Tanks Flood Retarding Structure No. 3 Remediation Phase I (Project) (#470). Change

Order No. 1 would increase the total contract amount from \$250,000 to \$500,000. (C6908050500)

FCD-5. SELL EXCESS PARCELS – APPROVED

Authorize the Flood Control District to sell excess parcels (as listed below) beginning in FY 2008-09. The District will utilize its Disposition Program, continuing to evaluate and analyze the best potential of leasing or sales of all real property based on prevailing market conditions. The sale price will be fair market value, to be determined by a certified licensed appraiser, either at the start point of an oral auction, or, in the event of a sale to a municipality, at fair market value without an auction. If an auction takes place, District staff will sell the parcels in compliance with A.R.S. §9-402, which mandates that an invitation for bid be published for the sale of all real property. (C6908051B00) (ADM1903-003)

- FCD Parcels: T-2115-1, T-2116-1 and T-2117-1 which are portions of APN 220-01-019G, 220-05-001G & 220-05-002E

FCD-6. AMEND POLICY A2505 RELATED TO ADMINISTERING GRANTS FOR THE FLOOD CONTROL DISTRICT – CONTINUED TO 5/7

Approve the revisions to policy A2505 – Policy for Administering Grants. The purpose of this policy is to serve as the framework for employees to follow when applying for grants and negotiating the terms and conditions of the agreements and/or contracts to ensure optimum financial and administrative arrangements for Maricopa County and Special Districts. (C1808047300) (ADM1918)

LIBRARY DISTRICT AGENDA

LD-1. DONATIONS – APPROVED

Accept the donation reports received for March 2008 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM2800-006) Include on the second agenda of every month.

LD-2. AMEND POLICY A2505 RELATED TO ADMINISTERING GRANTS FOR THE LIBRARY DISTRICT – CONTINUED TO 5/7

Approve the revisions to policy A2505 – Policy for Administering Grants. The purpose of this policy is to serve as the framework for employees to follow when applying for grants and negotiating the terms and conditions of the agreements and/or contracts to ensure optimum financial and administrative arrangements for Maricopa County and Special Districts. (C1808046300) (ADM2808)

STADIUM DISTRICT AGENDA

SD-1. AMEND POLICY A2505 RELATED TO ADMINISTERING GRANTS FOR THE STADIUM DISTRICT – CONTINUED TO 5/7

Approve the revisions to policy A2505 – Policy for Administering Grants. The purpose of this policy is to serve as the framework for employees to follow when applying for grants and

negotiating the terms and conditions of the agreements and/or contracts to ensure optimum financial and administrative arrangements for Maricopa County and Special Districts. (C1808048300) (ADM5510)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

71. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to the Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.) (ADM605) – **NO ACTION**
72. Supervisors'/County Manager's summary of current events. (ADM606) – **NO ACTION**

*****The Board of Supervisors will now consider Code Enforcement Reviews.*****

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred.
New evidence is not considered at these hearings.**

CODE ENFORCEMENT REVIEW

- PZ-1. Darren and Jeanette Lasky** – This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2006-0917, **Darren and Jeanette Leasky**. (Supervisory District 2) (ADM3417-058) – **UPHELD ORDER OF JUDGMENT**

*****The Board of Supervisors will now consider matters related to Planning and Zoning.*****

PLANNING AND ZONING AGENDA

CONSENT AGENDA: (Detailed below)

1. S2007-064, Replat in the Rural-43 RUPD & R1-6 RUPD zoning districts, located at the southwest corner of Citrus Road and Peoria Avenue (in the west Glendale area) (District 4) – **APPROVED**

REGULAR AGENDA: (Detailed below)

2. CPA2007-09, Comprehensive Plan Amendment (CPA) to change the land use designation in the White Tank/Grand Avenue Area Plan from Rural Residential (0-1 d.u./ac.) to Small Lot Residential (2-5 d.u./ac.) and High Density Residential (15+d.u./ac.), located at the Southwest

corner of 227th Avenue and Grand Avenue (in the Wittmann/Surprise area) (District 4) (Adoption is by Resolution) (Continued from 02-20-08) – **APPROVED**

3. Z2007-147, Special Use Permit (SUP) in the R1-10 RUPD zoning district, located west of El Mirage Road and south of Maryland Avenue (in the west Glendale area) (District 4) – **APPROVED**

CONSENT AGENDA DETAIL:

1. **S2007-064** District 4

Applicant: Stardust Companies on behalf of the Cortessa Homeowners Association
Location: Southwest corner of Citrus Road and Peoria Avenue (in the west Glendale area)
Request: Replat for Cortessa Tract T, Parcels 15 & 16

REGULAR AGENDA DETAIL:

2. **CPA2007-09** District 4
(Continued from 02/20/08)

Applicant: Withey Morris, PLC for BVPG Holdings, LLC
Location: Southwest corner of 227th Avenue and Grand Avenue (in the Wittmann/Surprise area)
Request: Change the White Tank/Grand Avenue Area Plan land use designation from Rural Residential (0-1 d.u./ac.) to Small Lot Residential (2-5 d.u./ac.) and High Density Residential (15+ d.u./ac.) (approximately 157.2 acres) – Grand Oasis
Note: Approval is by Resolution

COMMISSION ACTION: Commissioner Aster moved to recommend approval of CPA2007-09, subject to stipulations “a” through “m”. Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall comply with the Comprehensive Plan Amendment document entitled “Grand Oasis – A Residential Subdivision”, a bound document, dated October 19, 2007, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Changes to the Grand Oasis Major Comprehensive Plan Amendment with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Comprehensive Plan Amendment Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. Non-compliance with the approved Grand Oasis Major Comprehensive Plan Amendment, including the narrative report, maps, exhibits, or approved stipulations, constitute a violation in accordance with the Maricopa County Zoning Ordinance.
- c. If the initial final plat for this project has not been approved within seven (7) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Small Lot Residential (2-5 d.u./ac.) and the High Density (15+ d.u./ac) back to the previous Rural Residential (0-1 d.u./ac) designation.

Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.

- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this major comprehensive master plan due to non-compliance with any of the approved stipulations or other conditions of approval.
- e. The total number of residential units shall not exceed 1,176 dwelling units.
- f. Not less than 8% of open space shall be provided for mini-parks, parks or other open space uses. A description of the types of recreational amenities that will be included in the open space and mini-park areas shall also be submitted with all zone change applications and with all preliminary plats to the Maricopa County Planning and Development Department.
- g. Prior to any zoning change, the master developer shall enter into a pre-annexation service agreement with the City of Surprise. Further, prior to any rezoning approval this pre-annexation service agreement shall be signed by both the Master Developer and the designated City of Surprise representatives and provided to the Maricopa County Planning and Development Department for public record.
- h. The following MCDOT stipulations shall apply:
 - 1. The Developer shall provide a new Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any zoning (rezoning) and/or plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite alignments will be reviewed with each re-submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 - 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct certain off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT shall require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Developer does not construct certain off-site street improvements, the Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
 - 3. If required per item #2 above, a Development Agreement shall be executed prior to any zoning or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
 - 4. The Applicant shall provide right-of-way for all public roadways as follows:
 - a) Arterials: 65 Feet Half-width; 130 Feet Full-width

- b) Collectors: 40/30 Feet Half-width; 80/60 Feet Full-width
 - c) Residential/Locals: 25 Feet Half-width; 50 Feet Full-width
5. The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments). Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where 'half' of the roadway is within the development (perimeter roadways). Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate dual left turn lanes, including reverse curves.
 6. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways. Where applicable, "half-width" construction must safely convey two directions of traffic until the ultimate roadway is constructed. All roadways must meet all county standards in effect at the time. (This includes, but is not limited to the "MCDOT Roadway Design Manual," including ITS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") The Developer shall relocate any "obstructions" (well sites, etc.) and/or provide additional right of-way in the event of conflict with any transportation facilities. Roadway improvement plans must be approved and permitted by MCDOT.
 7. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicants contribution referred to in item 2.
 8. The Developer shall provide all-weather access to all parcels and lots.
 9. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
 10. The Developer shall not locate elementary or middle schools on arterial roads. (The schools may not "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
 11. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation between uses within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated.
 12. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
 13. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as

assigned to Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.

14. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
 15. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
 16. The Developer shall coordinate with the City of Surprise and provide written documentation of the City's comments.
 17. The Developer shall coordinate with ADOT and provide written documentation of ADOT's review and requirements.
- i. Prior to the approval of the first Final Plat or the first Approval to Construct (whichever comes first), final detailed Water and Wastewater Master Plans (both onsite and offsite) must be submitted to MCESD, under application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of these Final Master Plans. A Certificate of Assured Water Supply must be obtained for the development prior to recordation of the final plat. Approval is predicated on water and sewer services being provided by the City of Surprise.
- j. The following Drainage Administration stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- k. The following Maricopa County Library District stipulation shall apply:
- A quality of life assessment of \$596 for each housing unit built shall be made available to the Maricopa County Library District at the time of building permit issuance.
- l. The following SHPO stipulation shall apply:
- Prior to zone change application, the applicant submit to SHPO the proposed treatment plan for AZ T:2:50 (ASM) as recommended in the cultural resources survey [An Archaeological Survey of 158 Acres for the Grand Oasis Development Located Approximately 1.5 Miles Northwest of Wittmann in Northern Maricopa County, Arizona] by SWCA Environmental Consultants.
- m. The following LAFB stipulation shall apply:
- The master developer shall notify future homeowners that they are located within the state-defined "Luke AFB Auxiliary Field #1" with the following language:

"You are buying a home or property near the Luke AFB Auxiliary Field #1. Aircraft flying in this auxiliary field are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 13,000 flight operations per year over the auxiliary field. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the base to the auxiliary field and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

3. **Z2007-147** District 4

Applicant: Litchfield Park Service Company
Location: West of El Mirage Road and south of Maryland Avenue (in the west Glendale area)
Request: Special Use Permit (SUP) for a Arsenic Treatment Facility in the R1-10 RUPD zoning district (approximately 2.7 acres) – Airline Reservoir Arsenic Treatment

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2007-147, subject to stipulations "a' through "o". Commissioner Aster seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "Airline Reservoir Arsenic Treatment Facility Site Plan" consisting of one (1) full-size sheet dated February 1, 2008 and stamped received February 7, 2008 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "LPSCO Airline Reservoir Arsenic Treatment Facility Site Plan" consisting of four (4) pages, dated February 1, 2008 and stamped received February 7, 2008 except as modified by the following stipulations.
- c. Prior to any development or construction, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.

- d. Prior to the construction of the arsenic treatment facility, the applicant shall obtain an Approval to Construct from Maricopa County Environmental Services Department (MCESD).
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- f. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
 - Pave driveway in County right-of-way.
 - Ultimate half-width improvements on El Mirage Road by developer (Riverside Estates).
 - Remove not for construction from plan.
- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and 20 years from the date of approval by the Board of Supervisors. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- k. This Special Use Permit (SUP) shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first.
- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control

District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- o. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.